

United States Courts
Southern District of Texas
FILED

MAR 19 2025

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA, and the)	FILED UNDER SEAL
STATES OF FLORIDA, TENNESSEE,)	PURSUANT TO 31 U.S.C. § 3730(b)(2)
TEXAS, and NEW YORK, <i>ex rel.</i> JOSEPH)	
STINSON, Plaintiffs/Relator,)	CIVIL ACTION NO. 4:23-cv-3107
-v-)	
CAREMAX, INC., CAREMAX MEDICAL)	
GROUP, LLC, CAREMAX MEDICAL)	
CENTER, LLC, CAREMAX HOLDINGS,)	
LLC.; CAREMAX MEDICAL CENTER,)	
LLC, CAREMAX MEDICAL CENTER OF)	
BROWARD, L.L.C., CAREMAX MEDICAL)	
CENTER OF CORAL WAY, L.L.C.,)	
CAREMAX MEDICAL CENTER OF EAST)	
HIALEAH, L.L.C., CAREMAX MEDICAL)	
CENTER OF HIALEAH, L.L.C., CAREMAX)	
MEDICAL CENTER OF HOMESTEAD,)	
L.L.C., CAREMAX MEDICAL CENTER OF)	
LITTLE HAVANA, L.L.C., CAREMAX)	
MEDICAL CENTER OF LITTLE HAVANA)	
II, L.L.C., CAREMAX MEDICAL CENTER)	
OF NORTH MIAMI, L.L.C., CAREMAX)	
MEDICAL CENTER OF PEMBROKE)	
PINES, L.L.C., CAREMAX MEDICAL)	
CENTERS OF CENTRAL FLORIDA, LLC,)	
CAREMAX MEDICAL CENTER OF)	
TAMARAC, L.L.C., CAREMAX MEDICAL)	
CENTER OF WESTCHESTER, L.L.C.,)	
MEDICAL CARE OF NY, P.C., CAREMAX)	
HUMAN SERVICES LLC, CAREMAX IPA,)	
LLC, CAREMAX MANAGEMENT LLC,)	
CAREMAX MEDICAL MANAGEMENT)	
SERVICES, LLC, CAREMAX SERVICES)	
AGENCY, LLC, MEDICAL CARE OF)	
TENNESSEE, PLLC, MEDICAL CARE OF)	
TX, P.L.L.C.; MANAGED HEALTHCARE)	
PARTNERS, LLC; INTERAMERICAN)	
MEDICAL CENTER GROUP, LLC; CARE)	
OPTIMIZE LLC; CAREFREE)	
INSURANCE SERVICES, INC.; and JOHN)	
DOE ENTITIES 1-10, Defendants.)	

PLAINTIFF STATES' JOINT NOTICE TO ELECT TO DECLINE INTERVENTION

Pursuant to the Texas Health Care Fraud Prevention Act ("THFPA"), Chapter 36 of the Texas Human Resources Code, the State of Texas ("Texas") hereby notifies the Court of its decision not to intervene in this action. Tex. Hum. Res. Code § 36.104(a)(2).

Additionally, although the Office of the Attorney General of Texas represents only the State of Texas, the undersigned Counsel has conferred with Counsel for the States of Florida, New York, and Tennessee (collectively with Texas, the "Plaintiff States"), who have communicated to Texas their collective consent and request to join with Texas in this Notice to Elect to Decline Intervention, pursuant to each Plaintiff States' respective states' statutes.¹

Although the Plaintiff States have elected to decline to intervene in this action, the Plaintiff States respectfully refer the Court to their respective state statutes, which provide that the person bringing the action may proceed without the Plaintiff States' participation. *See* Tex. Hum. Res. Code § 36.104(b); Fla. Stat. § 68.084(3); N.Y. State Fin. Law § 190(2)(f); and Tenn Code Ann. § 71-5-183(c)(3). The Plaintiff States request that, should either the Relator or the Defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the Plaintiff States before ruling or granting its approval. *See* Tex. Hum. Res. Code § 36.102(e); Fla. Stat. § 68.083(2); N.Y. State Fin. Law § 190(5); and Tenn Code Ann. § 71-5-183(b)(1).

The Plaintiff States request that all pleadings filed in this action be served upon the Plaintiff States and request that all orders issued by the Court be sent to the Plaintiff States. *See* Tex. Hum. Res. Code § 36.104(b-1); Fla. Stat. § 68.084(3); N.Y. State Fin. Law § 190(2)(f); and Tenn Code Ann. § 71-5-183(c)(3). The Plaintiff States reserve the right to order all deposition transcripts and to intervene in this action for good cause at a later date. Additionally, the Plaintiff States request that they be served

¹ *See* Fla. Stat. §§ 68.081-68.092; N.Y. State Fin. Law § 190(2)(f); and Tenn Code Ann. § 71-5-183(b)(4)(B).

with all notices of appeal, and they reserve the right to seek the dismissal of the Relator's action or claim. *See*, Tex. Hum. Res. Code § 36.107(b); Fla. Stat. §§ 68.083(2), 68.084(3); N.Y. State Fin. Law § 190(5)(b)(i); and Tenn Code Ann. § 71-5-183(c)(2)(A).

Finally, The Plaintiff States request that only the Relator's Complaint, this Notice, and the attached (proposed) Order be unsealed, and that all other papers on file in this action remain under seal because many of those filings address non-public and sensitive aspects of the investigation and are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed Order accompanies this Notice.

Dated: March 19, 2025

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

RALPH MOLINA
Deputy First Assistant Attorney General

AUSTIN KINGHORN
Deputy Attorney General for Civil Litigation

AMY SNOW HILTON
Chief, Healthcare Program Enforcement Division

/s/ Bonnie G. Sinclair
BONNIE G. SINCLAIR
Assistant Attorney General
Texas State Bar No. 24050337
(512) 936-9912
Bonnie.Sinclair@oag.texas.gov

Healthcare Program Enforcement Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

COUNSEL FOR THE STATE OF TEXAS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Election by the Plaintiff States to Decline Intervention and the accompanying Order were served by email on March 19, 2025. to the following:

J. Todd Benson (24033538)
AYRES, SHELTON, WILLIAMS, BENSON
& PAINE, LLC
333 Texas Street, Suite 1400
Shreveport, Louisiana 71101
Phone: (318) 227-3500
toddbenson@arklatexlaw.com

Joseph M. Callow, Jr.
Gregory M. Utter
Callow + Utter Law Group
8044 Montgomery Road, Suite 170
Cincinnati, Ohio 45236
Phone: (513) 378-0141
jcallow@callowandutter.com
gmutter@callowandutter.com

Joel D. Hesch (DC Bar # 421822)
THE HESCH FIRM, LLC
3540 Ridgescroft Dr.
Lynchburg, Virginia 24503
Phone: (434) 592-4251
joel@howtoreportfraud.com

Attorneys for Relator, Joseph Stinson

Jill O. Venezia
Assistant United States Attorney
United States Attorney's Office
United States Department of Justice
1000 Louisiana, Suite 2300
Houston, Texas 77002
Telephone: (713) 567-9511
Email: Jill.Venezia@usdoj.gov

Counsel for the United States of America

Karen Brodeen

Sr. Assistant Attorney General
Medicaid Fraud Enforcement Unit, Civil Enforcement Bureau
Office of the Attorney General
PL-01 The Capitol | Tallahassee, FL 32399-1050
Tel.: (850) 414-3913
E-mail: Karen.Brodeen@myfloridalegal.com

Tiffany Castleman-Smith

Special Assistant Attorney General
Medicaid Fraud Control Unit
NYS Office of the Attorney General
28 Liberty Street, 13th Floor | New York, New York 10005
Tel: (212) 417-5394 | ag.ny.gov
E-mail: Tiffany.Castleman-Smith@ag.ny.gov;

Taylor Davidson | Assistant Attorney General
General Litigation Division, Civil Medicaid Fraud
Office of the Tennessee Attorney General
John Sevier Building, 4th Floor
500 Dr. Martin L. King, Jr. Blvd.,
Nashville, Tennessee 37243
Mailing Address:
P. O. Box 20207, Nashville, Tennessee 37202
615-532-7404
taylor.davidson@ag.tn.gov

Attorneys for the Plaintiff States

/s/ Bonnie G. Sinclair

Bonnie G. Sinclair
Texas State Bar No. 24050337

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA, and the) FILED UNDER SEAL
STATES OF FLORIDA, TENNESSEE,) PURSUANT TO 31 U.S.C. § 3730(b)(2)
TEXAS, and NEW YORK, *ex rel.* JOSEPH)
STINSON, Plaintiffs/Relator,) CIVIL ACTION NO. 4:23-cv-3107

-v-

CAREMAX, INC., CAREMAX MEDICAL)
GROUP, LLC, CAREMAX MEDICAL)
CENTER, LLC, CAREMAX HOLDINGS,)
LLC,; CAREMAX MEDICAL CENTER,)
LLC, CAREMAX MEDICAL CENTER OF)
BROWARD, L.L.C., CAREMAX MEDICAL)
CENTER OF CORAL WAY, L.L.C.,)
CAREMAX MEDICAL CENTER OF EAST)
HIALEAH, L.L.C., CAREMAX MEDICAL)
CENTER OF HIALEAH, L.L.C., CAREMAX)
MEDICAL CENTER OF HOMESTEAD,)
L.L.C., CAREMAX MEDICAL CENTER OF)
LITTLE HAVANA, L.L.C., CAREMAX)
MEDICAL CENTER OF LITTLE HAVANA)
II, L.L.C., CAREMAX MEDICAL CENTER)
OF NORTH MIAMI, L.L.C., CAREMAX)
MEDICAL CENTER OF PEMBROKE)
PINES, L.L.C., CAREMAX MEDICAL)
CENTERS OF CENTRAL FLORIDA, LLC,)
CAREMAX MEDICAL CENTER OF)
TAMARAC, L.L.C., CAREMAX MEDICAL)
CENTER OF WESTCHESTER, L.L.C.,)
MEDICAL CARE OF NY, P.C., CAREMAX)
HUMAN SERVICES LLC, CAREMAX IPA,)
LLC, CAREMAX MANAGEMENT LLC,)
CAREMAX MEDICAL MANAGEMENT)
SERVICES, LLC, CAREMAX SERVICES)
AGENCY, LLC, MEDICAL CARE OF)
TENNESSEE, PLLC, MEDICAL CARE OF)
TX, P.L.L.C.; MANAGED HEALTHCARE)
PARTNERS, LLC; INTERAMERICAN)
MEDICAL CENTER GROUP, LLC; CARE)
OPTIMIZE LLC; CAREFREE)
INSURANCE SERVICES, INC.; and JOHN)
DOE ENTITIES 1-10, Defendants.)

(PROPOSED) ORDER

Having considered the Joint Notice to Decline Intervention filed by the States of Texas, Florida, New York, and Tennessee (collectively, the “Plaintiff States”) under their respective states’ false claims acts or analogous statutes, the Court rules as follows:

IT IS ORDERED THAT:

1. The parties shall serve upon Counsel for the Plaintiff States all pleadings and motions filed in this action, including supporting memoranda, orders, and notices of appeal;
2. The Plaintiff States may order any deposition transcripts and at any time may intervene and, for good cause, seek dismissal of the Relator’s action or claims; and
3. Should the Relator or the Defendants propose that this action be dismissed, settled, or otherwise discontinued, the moving party (or parties) must solicit the written consent of the Plaintiff States before applying to the Court for approval.
4. The Clerk shall serve a copy of this Order only on the United States, the Plaintiff States, and the Relator.

SIGNED in Houston, Texas, this ____ day of March 2025.

HON. KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE